



COUNTY JUDGE

Fort Bend County, Texas

Robert E. Hebert
County Judge

(281) 341-8608
Fax (281) 341-8609

April 25, 2011

Mr. Jose Lopez
28015 Hollyfare Drive
Katy, Texas 77494-5145

Reference: Account No. 2278-33-005-0080-914
Tax Year 2010, Precinct 3

Dear Mr. Lopez:

The County has received your request to waive penalty and interest on Fort Bend County property. Fort Bend County is also authorized by Fort Bend County Emergency Services District #2 to act on their behalf, bringing the total penalty and interest to \$21.89 for the referenced account for tax year 2010.

Commissioners Court is scheduled to consider your request on May 3, 2010, at 1:00 p.m., during regular session. The Commissioners Court is located on the seventh floor of the William B. Travis Building, 301 Jackson Street, Suite 700, in Richmond, Texas.

Please contact your Commissioner, Andy Meyers, at 281-238-1400 if you wish to discuss your request in further detail. Your presence is not mandatory for the Court to act upon your request.

Section 33.011 (a) of the Texas Tax Code provides Commissioners Court with authority to consider a waiver of penalty and interest on property taxes in situations where an error can be proved on the part of either the County Tax Office or the Central Appraisal District.

Sincerely,

A handwritten signature in black ink, reading "Robert E. Hebert".

Robert E. Hebert

/Enclosure

Copy: Commissioner Andy Meyers, Precinct 3

Section 33.011(a)(1) of the Texas Property Code states, "The governing body of a taxing unit: shall waive penalties and interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency."



COUNTY TAX ASSESSOR / COLLECTOR

Fort Bend County, Texas

COUNTY JUDGE
RECEIVED

APR 06 2011

Patsy Schultz, RTA
County Tax Assessor/Collector
1317 Eugene Heimann Circle
Richmond, TX 77469

(281) 341-3710
Fax (281) 341-9267
Email: schulpat@co.fort-bend.tx.us
www.fortbendcountytax.com

DATE: April 5, 2011

TO: County Judge Robert E. Hebert
Commissioner Richard Morrison
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner James Patterson
Roy Cordes, County Attorney

FROM: Tammy Staton T.S.,
Tax Division Supervisor

RE: Waiver of Penalty and Interest -Lopez, Jose R & Deanna I: Acct#2278-33-005-0080-914
2010 Tax Year; Legal Description: Cinco Ranch Southwest Sec 33, Block 5, Lot 8
Precinct 3

Mr. and Mrs. Jose Lopez are requesting waiver of penalty and interest on the above referenced account for the 2010 tax year because they state they did not receive their tax statement.

Tax Office records indicate:

- Original deed #2010037549 was recorded on April 28, 2010 with the owner listed as Mr. and Mrs. Jose R Lopez, 28015 Hollyfare Drive, Katy, TX 77494.
- June 1, 2010-- 2010 May Name and Address change added Lopez Jose R. and Deanna I, 28015 Hollyfare Drive, Katy, TX 77494.
- 2010 Original Statement was sent to L B Walker and Associates, Inc. due to an electronic request on file.
- Mr. and Mrs. Lopez stated in their letter that the first communication they received from our office was the 2010 Property Tax Reminder notice on February 18, 2011. Our records indicate that a department coordinator spoke with the taxpayer on February 17, 2011, in which she confirmed that the original tax statement for 2010 was sent to L B Walker and Associates. Mr. and Mrs. Lopez stated they never assigned that right to anyone.
- The tax office requested additional research by FBCAD to determine whether this account was supposed to be coded for an Agent for 2010 or not. We have received correspondence from Mr. Glen Whitehead confirming that the agent hired by the previous owner, Taylor Morrison of Texas, should have been removed once the ownership was changed.
- There is evidence of an error by FBCAD.
- Fort Bend ESD #2 has authorized Fort Bend County Tax Office to handle the processing of the waiver of penalty and interest and allow the Fort Bend County Commissioners Court to make the determination based on 33.011 of the State Property Tax Code.

Breakdown of Taxes Paid:

Breakdown of Taxes Paid:

2010 Tax Year	<u>FB ESD #2</u>	<u>FBC</u>	<u>Total</u>
Base Tax	\$51.24	\$ 261.33	\$312.57
Penalty & Interest	<u>\$3.59</u>	<u>\$18.30</u>	<u>\$21.89</u>
Total	\$54.83	\$ 279.63	\$ 334.46

Total Penalty & Interest: \$21.89

I do recommend waiver of penalty and interest. Property Tax Code Section 33.011 (a) (1). "The governing body of a taxing unit: shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency..."

DUPLICATE TAX RECEIPT



PATSY SCHULTZ, RTA
FORT BEND COUNTY TAX ASSESSOR/ COLLECTOR
1317 EUGENE HEIMANN CIRCLE
RICHMOND, TEXAS 77469

Certified Owner:

LOPEZ JOSE R & DEANNA I
28015 HOLLYFARE DR
KATY, TX 77494-5145

Legal Description:

CINCO RANCH SOUTHWEST SEC 33, BLOCK 5,
LOT 8

Parcel Address: HOLLYFARE DR
Legal Acres: 0.0000

Deposit No: O110222AB1
Validation No: 900000021464263
Account No: **2278-33-005-0080-914**
Operator Code: ARLACHA

Remit Seq No: 18223017
Receipt Date: 02/18/2011
Deposit Date: 02/22/2011
Print Date: 03/30/2011

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2010	Fort Bend Esd#2	52,290	0.098000	51.24	3.59	0.00	54.83
2010	Fort Bend Co Drainage	52,290	0.019600	10.25	0.72	0.00	10.97
2010	Fort Bend Co Gen Fnd	52,290	0.480160	251.08	17.58	0.00	268.66
				\$312.57	\$21.89	\$0.00	\$334.46

>--
Check Number(s):
0031985438

PAYMENT TYPE:

Checks: \$334.46

Exemptions on this property:

Total Applied: \$334.46

Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER:
LOPEZ JOSE R & DEANNA I
28015 HOLLYFARE DR
KATY, TX 77494-5145

(281) 341-3710

March 21, 2011

County Judge Robert E. Hebert
301 Jackson, Suite 719
Richmond, TX 77469

Re: **Request for Waiver of Penalties and Interest**

Legal Description: Cinco Ranch Southwest SEC 33, Block 5, Lot 8
Account Number: 2278-33-005-0080-914

Dear Judge Hebert,


We write to you to present a formal request for a hearing to allow us to appeal the penalties and interest charged to us on the real property described above for 2010. Last April 23, 2010, we purchased this home in Cinco Ranch. We never received the tax bill. Twice in November 2010, we called the tax office of Patsy Schultz, RTA, Fort Bend Tax Assessor/Collector to enquire about it. We were told that it would be mailed to us.

The next communication we received about this was a 2010 Property Tax Reminder on February 18, 2011(see copy attached). On that day, we contacted the referenced tax collector office and were informed that our original tax bill was sent to a property tax appeal firm. We never assigned that right to anyone and they did not provide us with proof of such request. The property tax bill plus \$21.82 interest and penalties was paid on February 22, 2011 (see copy attached).

Since the delay was caused by an external unapproved party, we hereby request that such interest and penalties be waived.

Kindly advise if we need to come and present our case to your court or any further action you require.

Regards,


Jose R. Lopez and Deanna I. Lopez
28015 Hollyfare Drive
Katy, TX 77494-5145
Home Telephone: (281) 574-2100

*attachments:
2010 Property Tax Reminder
2010 Tax Receipt.*

